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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,741	09/18/2000	Dickory Rudduck		5912

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EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/646,741

Applicant(s)

RUDDUCK, DICKORY

Examiner

Kenn Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35, 37, 38, 40 and 45-53 is/are pending in the application.
- 4a) Of the above claim(s) 3, 8, 22-35, 37 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9, 14-21, 40 and 45-53 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-7, 10, 11, 14-21, 40 and 45-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Walburn et al., U.S. 4,728,217

Regarding claims 1 and 14, Walburn et al. discloses in figures 1 -13 a connecting means adapted to releasably fix a first element (11) second element (12). Walburn et al. discloses the connecting means including a locking means (35,38,39,40) movable in a deformable channel (36) by remote activation means (col. 5, lines 28-45; a tool not shown) between a locked position (fig 13) in which the first element is locked to the second element; and the locking means is movable by the or another remote activation means to an unlocked position (fig 12) in which the first element is released from the second element. Walburn et al. discloses there is no material connection made between the connecting means and the remote activation means. Walburn et al. discloses in the locked position the channel (36) is substantially un-deformed (fig 13) in the region of the locking means and the locking means prevents deformation of the channel in that region.

As to claim 2, Walburn et al. discloses the locking means is a locking pin (35), the channel (36) has a base (41) and deformable sides (20,21) and the locking pin (35) is adapted to be moved within the channel by remote activation means towards or away from the base.

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As to claim 4, Walburn et al. discloses the locking pin (35), the sides of the channel (36) and the base (41) are of indefinite length. Applicant should note that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

As to claim 5, Walburn et al. discloses the two locking pins each disposed in a channel with a base and deformable sides (figs 3 and 4).

As to claim 6, Walburn et al. discloses the connecting means is flexible.

As to claim 7, Walburn et al. discloses the connecting means provides for adjustment of the first element (11) relatively to the second element (12) in one, two or three dimensions (fig 9, 12 adjustable in planes perpendicular to plane of 11).

As to claims 10 and 11, Walburn et al. discloses a signal means (position of 20 and 21) adapted to indicate whether the first element is locked to or released from the second element (figs 13 and 12).

As to claim 15, Walburn et al. discloses the first element (11) is aligned with the second element (12) before the remote activation means is applied to the fix the first element to the second element.

As to claim 16, Walburn et al. discloses the movement of the locking means (35,38,39,40) to the locked position (fig 13) or to the unlocked position (fig 12) causes no mark or damage to the first or second element.

As to claim 17, Walburn et al. discloses the first element (11) is fixed to more than one second element (col. 1, lines 5-10).

As to claim 18, Walburn et al. discloses the second element (12) is fixed to more than one first element (col. 1, lines 5-10).

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As to claim 19, Walburn et al. discloses a plurality of first elements fixed to a plurality of second elements.

As to claims 20 and 21, Walburn et al. discloses the first and second elements are not identical.

As to claim 40, Walburn et al. discloses the connecting means is capable of relating whether the first element (11) is fixed to the second element (12), whether the first element is released from the second element and whether the connecting means has been damaged (visually to the operator).

As to claim 45, Walburn et al. discloses the locking means is a locking pin (35) and the channel (36) is tubular.

As to claim 46, Walburn et al. discloses in fig 21 the channel has an external protrusion (48) adapted to lock into a recess (45) in the locked position.

As to claim 47, Walburn et al. discloses the connecting means is a clip, bolt (35) or a strip connector.

As to claim 48, Walburn et al. discloses the connecting means is attached to or inserted in the first (11) or second (12) element.

As to claim 49, Walburn et al. discloses a plurality of connecting means (fig 11) adapted to be fixed or released in a predetermined sequence.

As to claim 50, Walburn et al. discloses the locking means (35,38,39,40) is adapted to move in a linear path between the locked position and the unlocked position.

As to claim 51, Walburn et al. discloses the first element and the second element form an assembly.

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As to claims 52 and 53, Walburn et al. discloses the first element and the second element is an item of computer hardware (col. 1, lines 5-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walburn, U.S. 5,241,451 in view of Baur, WO 99/43961.

As to claim 9, Walburn et al. discloses the remote activation means adapted to move the connecting means is by use of a tool. Walburn et al. does not disclose the use of magnetic force. Baur teaches use of magnetic force to allow actuation outside the fastening means. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the remote activation means disclosed by Walburn et al. to be magnetic force; as taught by Baur to allow actuation outside the fastening means. The use of magnetism to affect movement is well known in the art.

Allowable Subject Matter

Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose or suggest all the claimed subject matter including a means for reporting damage or stress caused by the connecting means includes encryption.

Response to Arguments

Applicant's arguments filed 24 September 2003 have been fully considered but they are not persuasive.

Applicant argues the tool use to affect activation of the connection means requires direct physical contact and does not constitute a remote activation in which no material connection is made.

However, given the broadest reasonable interpretation, the recitation "no material connection" does not preclude non-adhering physical contact. The tool is not linked or physically connected to the connection means.

Applicant's arguments with respect to claim Baur, U.S. 6,499,907 are moot in view of the new grounds of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 703 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3 September 2004



Kenn Thompson
Primary Patent Examiner
Art Unit 3672